IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO.57 OF 2006

IN

SUMMARY SUIT NO.2807 OF 2006

Mrs.Vina Gopal Rathi, Proprietress of
M/s.Rahul Agro Input Industries. ...Plaintiff.

vs.

Satish Patil ...Defendant.

Ms. Mallika Ingale., for Plaintiff.

Mr.S.D.Thokade, for Defendant.

CORAM: D.K.DESHMUKH,J.

DATED: 17th July, 2006.

P.C.:-

By consent of parties, the summons for judgment is disposed of in the following terms:-

1. The defendant to deposit in this Court with due notice to the plaintiff an amount of Rs.42,986.80/- within a period of Eight weeks from today.

2. On the amount being deposited, this summons for judgment shall

stand disposed of and leave to defend shall stand granted to the defendant. In that event the defendant shall file his written statement within a period of Eight weeks from the date of deposit.

3. In the event, the amount is deposited, the Prothonotary and Senior Master of this Court may permit the plaintiff to withdraw the amount on furnishing Bank guarantee of a nationalised bank and on furnishing undertaking to bring back the amount with interest if so directed by this Court on such terms and conditions as may be directed by the Court with further undertaking therein that if the amount is required to be brought back the rate of interest shall not be less than 12% per annum.

4. The withdrawal is permitted within a period of Eight weeks from the date of deposit. In case the amount is not withdrawn within the aforesaid period, the Prothonotary and Senior Master of this Court shall invest the amount in fixed deposit in a nationalised bank during the pendency of the suit.

5. If the defendant does not deposit the amount within the aforesaid period, the summons for judgment shall stand granted and the suit shall stand decreed in terms of prayer clause of the suit. In that event, court fees be refunded as per rules.